

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/90407/W
Site Address:	15, Queens Road, Edgerton, Huddersfield, HD2 2AE
Description:	Erection of detached dwelling (within a Conservation Area)
Recommending Officer:	Lucy Taylor

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 28th May 2024

Officer Report.

Reference: 2024/90407

Location: 15, Queens Road, Edgerton, Huddersfield, HD2 2AE

Proposal: Erection of detached dwelling (within a Conservation Area)

Site Description.

15 Queens Road is a large semi-detached dwelling with generous garden space to the front, side and rear, located within a residential area.

The site to the side and rear of 15 Queens Road is Allocated in the Kirklees Local Plan as a 'Housing Allocation' and a public footpath (HUD/477/50) runs through this site.

The application site is located within the Edgerton Conservation Area.

There is an area of land designated as a TPO area within the Kirklees Local Plan to the rear of the site and several trees located to the rear boundary of curtilage.

Description of Proposal.

Planning permission is sought for the erection of a detached dwelling.

The detached dwelling will be located within the boundaries of No. 15 Queens Road, to the south west of the dwellinghouse.

The dwelling will have a width of 5.65 metres (front and rear elevations) and a length of 9.5 metres (side elevations). The ridge height of the dwelling will be 7.3 metres.

Fenestration details will consist of windows and an access door to the front elevation and windows and velux windows to the side elevations.

The walls of the dwelling will be faced in natural stone and the gable roof will be infilled with grey tiles. The windows and doors will be constructed from white upvc.

Internally, the dwelling will have a living room, kitchen, bedroom and WC to the ground floor and two bedrooms and two bathrooms to the first floor.

The dwelling will be set back approximately 19 metres from the front boundary of curtilage of No. 15 Queens Road, any additional surfacing in conjunction with the dwelling will include grass and tarmac.

History of Negotiations/Amendments Received.

In response to informal consultation comments from KC Conservation and Design, amended plans were submitted to reduce the size/scale of the proposed detached dwelling and to alter fenestration details.

The overall determination of this application is on the basis of the latest proposed plans submitted 10 May 2024.

Relevant Planning History.

At the application site:

- 2017/93005 – Erection of detached dwelling. *Withdrawn.*
- 2018/93133 – Outline application for erection of detached dwelling. *Conditional Outline Permission.*

Adjacent Land to South and West:

- 2014/93014 – Outline application for residential development comprising of 41 no. new dwellings. *Approved on Appeal.*
- 2017/90190 – Reserved matters application pursuant to outline permission 2014/93014 for erection of residential development comprising of 41 no. new dwellings. *Approved.*
- 2017/91916 – Variation condition 23 (highway works) on previous permission 2014/93014 for outline application for residential development comprising of 41 dwellings plus associated works. *Removal or Modification of Condition(s).*
- 2017/92670 – Variation conditions 1 (plans) and 2 (siting) on previous permission 2017/90190 for reserved matters application pursuant to outline permission 2014/93014 for erection of residential development comprising of 41 dwellings plus associated works. *Refused.*
- 2019/90244 – Discharge of conditions 3 (stone) and 4 (roofing materials) of previous permission 2017/90190 for reserved matters pursuant to outline permission 2014/93014 for erection of residential development comprising of 41 dwellings plus associated works. *Discharge of Condition(s) Approved.*
- 2019/90245 – Discharge of conditions 5, 7, 8, 9, 19, 12, 13, 17, 20, 22, 23 and 24 of previous permission 2014/93014 for outline application for residential development comprising of 41 no. new dwellings plus associated works. *Discharge of Condition(s) Split Decision.*
- 2019/90514 – Discharge of conditions 8 (landscape and ecological management plan) and 9 (woodland walk method statement) of

previous application 2017/90190 for reserved matters application pursuant to outline permission 2014/93014 for erection of residential development comprising of 41 dwellings plus associated works. *Discharge of Condition(s) Split Decision.*

- 2019/90964 – Certificate of Lawfulness for existing commencement of formation of access road. *Withdrawn.*
- 2019/91025 - Discharge conditions 4, 6, 7, 8, 9, 11, 13, 14, 16, 19, 21, 22, 23 on previous permission 2017/91916 for variation of Condition 23 (highway works) on previous permission 2014/93014 (APP/Z4718/W/15/3002523) for outline application for residential development comprising of 41 dwellings plus associated works. *Appeal Upheld.*
- 2020/92571 - Discharge of condition 9 (arboricultural method statement) of previous permission 2017/90190 for reserved matters application pursuant to outline permission 2014/93014 for erection of residential development comprising 41 dwellings plus associated works. *Discharge of Condition(s) Approved.*
- 2020/93416 - Discharge of conditions 17, 20 and 24 of previous permission ref: 2014/93014 for outline application for residential development comprising 41 dwellings plus associated works. *Discharge of Condition(s) Split Decision.*
- 2021/91608 - Discharge of conditions 20 and 24 of previous permission 2014/93014 for outline application for residential development comprising of 41 new dwellings plus associated works. *Discharge of Condition(s) Refused.*
- 2021/94588 - Discharge of conditions 20 (Construction Method Statement), 22 (Proposed Estate Road), 23 (Proposed Highway Works) and 24 (Boundary Treatment) on previous permission 2014/93014 for outline application for residential development comprising 41 dwellings plus associated works. *Discharge of Condition(s) Split Decision.*
- 2022/91822 – Modify Section 106 obligation relating to previous permission 2014/93014 for outline application for residential development comprising of 41 dwellings plus associated works. *Refusal of Discharge of S. 106 Obligation.*
- 2022/92755 - Non material amendment to previous permission 2014/93014 for outline application for residential development comprising of 41 dwellings plus associated works. *Approved.*
- 2022/92756 - Non material amendment to previous permission 2017/91916 for variation condition 23 (highway works) on previous permission 2014/93014 (APP/Z4718/W/15/3002523) for outline

application for residential development comprising of 41 dwellings plus associated works. *Approved.*

- 2023/90072 - Discharge condition 21 (estate road), 22 (highway works) on previous permission 2017/91916 for variation condition 23 (highway works) on previous permission 2014/93014 for outline application for residential development comprising of 41 dwellings plus associated works. *Withdrawn – Invalid.*

Representations.

The application was publicised in accordance with statutory publicity requirements, via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 7th April 2024.

In response to publicity, no representations were received.

Consultation Responses.

KC Environmental Health (formal) –

Contaminated land: The proposed development site is not shown to be on land identified as potentially contaminated by its previous use. The development involves groundworks, a condition is therefore recommended in relation to unexpected contamination.

Construction noise: Can give rise to a loss of amenity to neighbouring noise sensitive receptors, for this reason, an informative is necessary to limit the hours of operation.

EVCP: remind the applicant that approval under the Building Regulations may be required for an EVCP, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

KC Ecology (formal) – No objection subject to a condition regarding one integral bird box.

KC Conservation & Design (informal) – Following the submission of amendments, satisfied with the proposals.

KC Highways Development Management – No comments received.

Policy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The

statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site to the side and rear of 15 Queens Road is Allocated in the Kirklees Local Plan as a 'Housing Allocation' and a public footpath (HUD/477/50) runs through this site.

The application site is located within the Edgerton Conservation Area.

The site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

There is an area of land designated as a TPO area within the Kirklees Local Plan to the rear of the site and several trees located to the rear boundary of curtilage.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Local Environmental Quality
- LP53 – Contaminated and Unstable Land

Supplementary Planning Documents (SPD):

- Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes

guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11- Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation:

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Listed Building & Conservation Areas) Act 1990

Assessment.

The following matters are considered in the assessment below: -

- 1) Principle of development
- 1) Impact on Visual Amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1) Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, this means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The site measures around ~1,436.25, therefore, approximately 0.14 hectares. Therefore, whilst officers note that more dwellings could theoretically potentially be provided on site, to increase the density of housing development, would increase the potential for other issues arise, which could have a harmful impact, including to the residential amenity of the existing occupiers of No. 15 Queens Road, the significance of the conservation area and highway safety. Therefore, the density of development is considered to be appropriate in this case.

In this instance, the site comprises of a medium size plot within the residential curtilage of an existing dwelling. A more detailed assessment of the proposal’s design and its impacts on visual and residential amenity, highway safety and other relevant considerations, is undertaken in the following report.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

1) Impact on Visual Amenity and Historic Environment

Visual Amenity:

In terms of visual amenity, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...”*

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

Principle 8 of the SPD is considered relevant given the urban fringe location of the site, and this states the following: *“The transition from urban to open land should be carefully considered where development is located on the edge of the urban area. Proposals should demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design.”*

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

No. 15 Queens Road forms part of a particularly fine group of Victorian and early twentieth century villas on Queens Road set in spacious grounds. The proposed development is for a detached dwelling, designed in the form of a coach house, which would be significantly set back from the front boundary of

curtilage of the site and would be set down in height from the three-storey property of 15 Queens Road. As such, it is considered that the siting and size/scale of proposed dwelling would result in its subservient appearance in the context of surrounding development.

The frontage of the property has been designed to mimic the surrounding Victorian properties to ensure a consistency in vernacular aesthetic and it is considered that the development would sufficiently compliment the historic architecture of the surrounding area, including underlining the eaves in art stone and framing window fenestration with art stone to appeal to the vernacular of the area.

With regards to boundary treatments (landscaping), the submitted plan does not demonstrate any boundary treatments around the site. It is considered that conditions requiring the submission of details of boundary treatments and landscaping of the site would be reasonable and necessary in regard to the visual impact of the development in the event of any grant of permission. This would also help to preserve the historic environment as discussed below.

Having taken the above into account, with the inclusion of the aforementioned conditions, it is considered that the proposed development would not be considered to cause any undue harm to the visual amenities of either the host property of No. 15 Queens Road or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the NPPF.

Historic Environment:

Sections 66 and 72 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Due to the site's location within the Conservation Area and with a listed building and gate piers across the road (4 Murray Road), Paragraph 207 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on the heritage asset, to avoid or minimise any conflict between the heritage asset's conservation any aspect of the proposal.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The particularly fine group of Victorian and early twentieth century villas on Queens Road set in spacious grounds illustrate the affluence and taste of Huddersfield's middle-classes in the period. 15 Queens Road, originally known as Laurence Dene, was built by local builders Abraham Graham & Sons and was home to woollen merchant William Shaw in 1891 and draper Frederick Whitfield in 1911, likely part of the Huddersfield department store-owning Whitfield family. The property is identified in the Edgerton Conservation Area Appraisal as making a positive contribution to the character of the conservation area. 4 Murray Road is a Grade II listed building with listed gate piers, but the dwelling and its immediate setting is well-separated from the application site.

The application property is identified in the Edgerton Conservation Area Appraisal as making a positive contribution to the character of the Conservation Area.

As part of the determination of this application, informal consultations were undertaken with KC Conservation and Design, where the C&D Officer concluded that they were satisfied with the latest scheme as shown on the proposed plans submitted 10th May 2024. The proposed development is for a small detached dwelling in the form of a coach house which, due to its siting design and appearance, would harmonise with the principal dwelling and its environs. It will cause a low level of harm to the character and appearance of the Conservation Area due to developing land which is presently open. However, its small footprint and massing and location within the plot will be read as ancillary to the principal building.

The minor level of harm to the significance of the conservation area is considered to be less than substantial. Under Chapter 16 of the NPPF, this requires an assessment as to whether there are any public benefits that would outweigh this harm. In this case, it is acknowledged that the development would provide a sensitive unit of housing – conditioned to be ancillary to the principal dwelling – discreetly sited within the plot. The provision of this small dwelling, in a time of housing need, is considered to outweigh the minor harm it would cause. The scheme is considered to accord with policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

It is however considered that, permitted development rights for extensions and outbuildings should be removed so that the scale of the dwelling remains a clearly subservient feature and in keeping with the grain and character of the Conservation Area.

2) Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: *‘Maintain appropriate distances between buildings’* and *‘...minimise impact on residential amenity of future and neighbouring occupiers’*.

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- For a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

Amenity of Neighbouring Occupiers:

The proposed dwelling would be set back from the host property of No. 15 Queens Road and would be situated to its south west. The extent of separation distance between the proposed new dwelling and No. 15 is considered to be sufficient to mitigate any undue impacts of overbearing or overshadowing for the occupiers of No. 15 Queens Road.

However, with regard to the close proximity of the proposed new dwelling, in conjunction with No. 15, in particular the outlook available from the habitable room windows to the front elevation of the new dwelling, it is considered that a condition should be implemented upon any grant of approval, to ensure that the new dwelling be used ancillary to No. 15 Queens Road.

Another reason for the implementation of an ancillary use condition, is that the submitted plans suggest the outdoor amenity areas and areas for vehicle access / turning would be shared between the new dwelling and No. 15 Queens Road, with no clear boundary treatments proposed to sub-divide the curtilage between the existing and proposed dwellings.

Whilst officer’s note that the proposed amenity space to serve the new dwelling goes up to the shared boundary with No. 16 Queens Road, a 1.8-metre-high privacy panel is proposed along this shared boundary. This is considered to sufficiently protect the amenity of the occupiers of No. 16.

There is an approved development for 41 dwellings on the adjacent land to the south and west.

This includes a coach house type dwelling (plot 41) that is close up to the southern boundary and parallel with the side elevation of no.15. This approved dwelling has bi-fold doors and a bedroom window in its western facing elevation that sit at an oblique angle to the proposed dwelling and are separated from the front elevation of the proposed dwelling by approximately 5m. There would be quite a close relationship between the two dwellings, although the oblique angle helps to mitigate potential overlooking along with the existing wooden fencing along the boundary between plot 41 and the proposed new dwelling.

The proposed dwelling would be situated adjacent to an area of outdoor amenity space to serve plot 41 but would be separated from the shared boundary by a minimum distance of approximately 2.6 metres. This distance is considered to be sufficient in mitigate any undue impacts of overbearing/overshadowing.

Windows are proposed in the ground floor side elevation adjacent to this area of outdoor amenity space to serve plot 41. To protect the residential amenity of the future occupiers of plot 41, upon any grant of approval, a condition shall be imposed regarding boundary treatments. Such a condition is considered necessary, to protect the future amenity of plot 41, with regards to ensuring sufficient boundary treatments are in place between the proposed new dwelling and plot 41, to mitigate any undue impacts of overlooking from the proposed ground floor windows. The details would also be required to ensure this preserved the significance of the conservation area.

A condition regarding boundary treatments would also be required to ensure appropriate levels of privacy between the proposed areas of amenity space to serve the new dwelling and areas of amenity space to serve plot 41.

Given that the first-floor glazing to serve the bedroom and ensuite within the new dwelling is to be by rooflights, it is not considered that these forms of glazing would result in any undue impacts of overlooking towards the adjacent area of outdoor amenity space to serve plot 41.

Plots 39 and 40 are located to the rear of the proposed new dwelling and front onto it at an oblique angle. The plans indicate a blank elevation in the rear of the proposed dwelling, and it is considered that the new dwelling would retain a sufficient distance from these properties to prevent any undue impacts of overbearing or overshadowing.

The removal of PD rights for dormer window extensions is considered necessary in the interests of protecting the amenity of adjacent properties / future properties. Although these rights do not presently exist in conservation areas, this is in case such rights are expanded in the future.

With the inclusion of the aforementioned conditions, it is considered that it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD.

Amenity of Future Occupiers of the Proposed Dwelling:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings provide a high standard of amenity future occupiers, pursuant to Policy LP24 of the Local Plan. Although not an adopted policy of the Council, the 'Nationally Described Space Standards' document (March 2015) can be perceived as setting out a high standard of amenity, against which to assess Policy LP24.

Internally, the proposed dwelling would have a footprint of approximately 90m³, exceeding the minimum gross internal floor area for a three-bedroom property over two stories for four occupiers, with all habitable rooms having access to at least one form of glazing.

Moving onto amenity areas, Principle 17 of the SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. In this case, it is considered that the amount of outdoor amenity space provided for the proposed dwelling would be sufficient. It is also considered that the outdoor amenity space would receive sufficient levels of sunlight. Therefore, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

The condition regarding the ancillary use of the proposed dwelling is also considered necessary for reasons of ensuring appropriate standards of amenity for any future occupiers of the proposed new dwelling. The proposed new dwelling will be located in especially close proximity to No. 15 Queens Road, with the submitted plans suggesting that the two dwellings would share areas of outdoor amenity space and areas for access / vehicles, with no boundary treatments shown to sub-divide the existing curtilage between the two properties.

3) Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the SPD states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The existing gated access for No. 15 would be used and is considered to be acceptable.

It is not considered that the amount of traffic generated would be significant given that the proposal seeks permission for one dwelling.

Two parking spaces are indicated within the site for the new dwelling and no.15 also retains ample parking space. Turning space would be shared with no.15.

Details of bin storage / collection have not been provided; however, it is considered that the curtilage of the site is large enough to sufficiently provide bin storage without storing bins on public footway or highway and to avoid adverse impact on the visual amenity of the area.

For the reasons set out above, the application is considered to be acceptable from a highway safety perspective.

Upon any grant of approval, a condition shall be including regarding surfacing, for reasons of attaining appropriate standards of drainage.

4) Other Matters

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide SPD sets out that *"New proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by*

ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy.”

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, as it would have to be constructed to modern building standards.

Public Footpath:

Given that the proposed new dwelling would not prejudice the function, continuity, or implementation of footpath HUD/477/50 as a walking or cycling network, the proposal is considered to appropriately comply with LP23 of the Kirklees Local Plan. In turn, footpath HUD/477/50 will be protected following the erection of the entrance and fencing.

Ecology / Bats:

As part of the determination of this application, a formal consultation was undertaken with KC Ecology.

Chapter 15 of the National Planning Policy Framework is relevant, together with the Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site lies within the bat alert layer on the Council's GIS system. It is not considered that the proposal would have a detrimental impact on roosting bats given that the proposal seeks permission for a new dwelling. Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Biodiversity Net Gain is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and therefore, developments must deliver a Biodiversity Net Gain of 10%, utilising the statutory Biodiversity Net Gain metric. However, this is subject to some exceptions, including – for this application – that it is for a non-Major development that was submitted before April 2024.

Even so, subject to the grant of planning permission, a condition will be included to ensure one integral bird box be included as part of the scheme for a new dwelling. This is in accordance with the aforementioned SPD and Local Plan policies.

Air Quality:

Government guidance on air quality mitigation outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24, LP26 and LP51 and the West Yorkshire Low Emissions Strategy Planning Guidance seek to mitigate Air Quality harm.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

This is now controlled by Part S of the Building Regulations which came into force in June 2022, and would not be repeated as a planning condition.

Drainage:

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Under Policy LP28 of the Kirklees Local Plan, all new development should normally be required to demonstrate net run-off reduction. In practice, however, these principles are generally not applied for single dwellings or other housing developments of fewer than 5 units, as they are considered disproportionate. The development would still need to comply with Building Regulations under separate application.

Trees:

There is an area of land designated as a TPO area within the Kirklees Local Plan to the rear of the site and several trees located to the rear boundary of curtilage. In addition, trees are protected by virtue of their Conservation Area status.

It is considered that the proposed dwelling would be located a sufficient distance away from the area of land designed as a TPO area within the Kirklees Local Plan, with the proposed dwelling to be set approximately 10 metres from the nearest boundary of this designated area.

With regard to the other trees located to the rear boundary of the site, it is also considered that the proposed dwelling would be sufficient distance away from the trees themselves and their root protection areas, with the submitted site plan suggesting that ground works and the built form of the dwelling would not encroach into the area of canopy spread of any of the trees to the rear of the site.

5) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2024/90407

Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specification schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on

completion, and to accord with Policies LP1, LP2, LP3, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP32, LP33, LP35, LP51, LP52, LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 5, 11, 12, 16, 14 and 15 of the National Planning Policy Framework.

2. One woodcrete swift box shall be installed on or within 500mm of the roofline of the proposed new dwelling before the dwelling is first occupied. The woodcrete swift box shall thereafter be retained.
Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the NPPF and Principle 9 of the Housebuilders Design Guide SPD.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.
Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. The dwelling hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 15 Queens Road, Edgerton, Huddersfield, HD2 2AE.
Reason: To ensure that the new dwelling is used solely for an ancillary purpose and not sold, rented or let in the interests of residential amenity of future occupiers and adjacent occupiers, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the plans submitted, the development hereby approved shall not be brought into use until a scheme detailing all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the height, location and materials of construction of all boundary treatment. The boundary treatments approved by this condition shall be completed prior to the development being brought into use and retained thereafter.

Reason: In the interests of residential and visual amenity, to preserve the significance of designated heritage assets and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

6. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the surfacing for all areas to be hard landscaped. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of hard and soft landscaping in the interests of visual amenity to accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out within the curtilage of the approved dwelling without the prior written consent of the Local Planning Authority.

Reason: To prevent a form of development that would be at odds with the character of the site in the interests of preserving the setting of the Edgerton Conservation Area and to protect the amenity of adjacent land and property. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

8. The development shall not be brought into use until all areas to be used for parking or hard surfaced within the application site, notwithstanding the requirements of condition 7, have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9. The superstructure of the dwelling hereby approved shall not be commenced until samples of the facing and roofing materials have been left on site for the inspection and approval in writing by the Local Planning Authority. Thereafter, the dwelling shall be erected in accordance with the details so approved.

Reason: So as to ensure the satisfactory appearance of the development on completion, in the interests of visual amenity and the significance of designated heritage assets and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021.

Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination – Technical Guidance for Developers, Landowners & Consultants – (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Construction Site Working Times

No construction related noise shall be audible beyond the site boundary outside the hours of:

07:30 to 18:30 hours Mondays to Fridays

08:00 to 13:00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Drawings As Proposed	PL01	A	09.05.24
Climate Change Statement	-	-	22.02.24
Screening Assessment Form	-	-	13.02.24
Design & Access Statement	AR01-03	-	13.02.24
Heritage Statement	AR01-03	-	13.02.24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

In response to informal consultation comments from KC Conservation and Design, amended plans were submitted to reduce the size/scale of the proposed detached dwelling and to alter fenestration details.

Report Dated:

28.5.24